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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/748,174	12/31/2003	Lukas Trosman	24GA127099	5555

33727

7590

09/14/2009

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EXAMINER

ART UNIT

PAPER NUMBER

DATE MAILED: 09/14/2009

Please find below and/or attached an Office communication concerning this application or proceeding.

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10748174	12/31/2003	TROSMAN ET AL.	24GA127099

**EXAMINER**

JOHANNES MONDT

**ART UNIT****PAPER**

3663

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DATE MAILED:

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner for Patents**

The Appeal Brief filed 06/10/2009 is still defective for reasons already set forth in the Notice of Non-compliant Appeal Brief (37 C.F.R. 41.37) mailed 05/14/2009. In particular, in light of the amendment to the Appeal Brief at item XI, i.e., "XI. Related Proceedings Appendix", the statement under "II. Related Appeals and Interferences" results in a contradiction with "XI. Related Proceedings Appendix" as currently and newly included in the same Appeal Brief, referring to a copy of the Decision by the Board of Appeals and Interferences to affirm the decision by the examiner to reject claims 21-26 and 28-32 under 35 U.S.C. 103(a) in related application 10/748,175. Please note that "II. Related Appeals and Interferences" should contain a statement "identifying all other prior and pending appeals, interferences or judicial proceedings known to appellant, appellant's legal representative or assignee" (see 37 C.F.R. 41.37 (c) (1) (ii) for full quote). Therefore, the Appeal Brief is still defective. The Notice of Non-Compliant Appeal Brief of 5/14/09 set forth a one month time period for reply. This time period remains. Extensions of time are available under 37 C.F.R. 41.37(d).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOHANNES MONDT whose telephone number is (571)272-1919. The examiner can normally be reached on 8-17. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack W. Keith can be reached on 571-272-6878. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000. /J.P.M./, 9/9/9.

September 9, 2009.

/JOHANNES MONDT/  
Primary Examiner, Art Unit 3663